

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
November 10, 2009**

**1. Present**

**Commissioners:**

Sherwood Bishop, Chair  
Ryan Thomason, Vice-Chair  
Bill De Soto  
Bill Taylor  
Curtis Seebeck  
Allen Shy  
Cecil Pounds (absent)  
Jim Stark  
Randy Bryan

**City Staff:**

Chuck Swallow, Director of Development Services  
Matthew Lewis, Assistant Director of Development Services  
Bill Couch, Development Project Coordinator  
Francis Serna, Recording Secretary  
Sofia Nelson, Senior Planner  
John Foreman, Planner  
Phil Steed, Planner

**2. Call to Order and a Quorum is Present.**

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday November 10, 2009 in the Council Chambers, City Hall Building of the City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

**3. Chairperson's Opening Remarks.**

Chair Bishop welcomed the audience.

**4. NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

**5. Citizen Comment Period**

There were no citizen comments.

**6. PDD-08-01a.** Consider a request by Darren Casey representing Bobcat Investors, Ltd., and W.C. Carson Properties for an amendment to the existing Planned Development Overlay Zoning District for 1.46 acres zoned PDD located between LBJ Drive and Guadalupe Street and fronting onto Concho Street.

**MOTION:** Upon a motion made by Commissioner Taylor and a second by Commissioner Seebeck, the Commission voted seven (7) for and one (1) opposed, to approve the request as submitted. The motion carried. Commissioner Bishop voted no.

**7. CUP-09-29.** Hold a public hearing and consider a request by Juan Flores for a Conditional Use Permit to allow a drive-thru lane at 1505 Aquarena Springs Drive.

Chair Bishop opened the public hearing. David Balderas, applicant said that the project has been ongoing and is long overdue to open. He explained that the business is a burrito restaurant and the hours will be from 6:00 a.m. – 6:00 p.m. Mr. Balderas added that the drive thru is the last stepping stone to make it happen. He anticipates in creating 15 jobs. He added that this is the first franchise coming out of the San Angelo business and believes it will work out. There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Shy and a second by Commissioner Bryan, the Commission voted eight (8) for and none (0) opposed, to approve the request for one year with the following conditions: screening of all dumpsters; street trees every 50' along Aquarena Springs Drive and Meiners Drive; approval of a drive-way permit; provide screening in compliance with the LDC between the subject property and 106 Meiners Street. The motion carried unanimously.

**8. CUP-09-30.** Hold a public hearing and consider a request by The Root Cellar, on behalf of Brian Schofield, for a Conditional Use Permit to allow a brewpub at 215 N. LBJ.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Thomason, the Commission voted eight (8) for and none (0) opposed, to approve the request with the condition that no permanent brewing equipment be installed without amending this Conditional Use Permit. The motion carried unanimously.

**9. CUP-09-31.** Hold a public hearing and consider a request by Cho'L Group, LLC, on behalf of Robert Patton, for a Conditional Use Permit to allow a warehouse at 924 Bugg Lane.

Chair Bishop opened the public hearing. Rene Ruiz, Broker/Realtor with Hart Properties, explained that he has worked with the seller and buyer regarding the property. Mr. Ruiz said that the structure has been vacant over 1 year and has been difficult to sell. He stated that the applicant does not anticipate using the structure as a warehouse. Mr. Ruiz stated that since the building's construction in the 1970's it has been used as a warehouse. He added that he lived around the corner for many years and that there were always 18-wheelers coming in and out of the warehouse. He informed the Commission that Mr. Rosales and his brother were available for questions. Mr. Ruiz continued to say that they have been looking for two years for a good location and felt that San Marcos is a prime location. He said that the warehouse has refrigerated space that his clients need and that they will spend a lot of money on the business. He pointed out that their intent is not to be there 24 hours but cannot limit the hours of operation. The business will create 5 or 6 jobs. Mr. Ruiz commented upon speaking to staff he didn't get indication that there would be a problem therefore they proceeded with the request. He advised that he would be available to answer questions.

John Calvo, resident 123 Riverside, Martindale, said he owns several properties and is most concerned with traffic. To demonstrate the safety concerns on Bugg Lane, he stated that while parked on the side of Bugg Lane, when having a fence built a police officer stopped and said he couldn't park there because it is dangerous place to park. Mr. Calvo added that it will be difficult for an 18 wheeler to navigate its way around the narrow street. He said it doesn't make sense to have a commercial building in an area populated with high density residential.

Shawn Mitchell stated he owns rental property on Bugg Lane. He said when the business was a beer distribution center he spoke to the neighbors and comments were made that 18 wheelers had a difficult time backing into the property and would require them to go onto his property. Mr. Mitchell added that trucks come in at early morning hours and there is a lot of traffic on Bugg Lane. He wants to see the property used in a manner that would be conducive to families in the neighborhood. Mr. Mitchell suggested no deliveries in the early morning. Mr. Mitchell stated he does not want property values to go down.

John Syphrit representing Robert L Patton, owner, mentioned that in 2006-2008 a wine spirits distribution company used the structure and never had problems or complaints from anyone. Mr. Syphrit pointed out that the only complaints he was given was when he visited the property and was asked when was the property going to be used.

There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Shy, the Commission voted six (6) for and two (2) opposed to approve the request with the conditions that street trees be planted at a rate of 1/35 feet of frontage and the landscape plan shall be approved with the site plan. The motion carried. Commissioners Bishop and DeSoto voted no.

**10. CUP-09-32.** Hold a public hearing and consider a request by Karle & Karen Brown for a Conditional Use Permit to allow an Accessory Dwelling within a SF-6 Single Family District at 834 W. Hopkins.

Chair Bishop opened the public hearing. Karl Brown stated he has resided at 834 W. Hopkins since 1980 and has made a variety of improvements to the residence. He explained that he would like to restore the residence to its original state by replacing rotten wood and painting. Mr. Brown said his family has grown and that he would like to have room for everyone when they visit. He added that he has not considered renting the property or using it for commercial purposes. He said he spoke to Mr. Longcope and the neighbors about the concerns they had. There were not additional citizen comments and the public hearing was closed.

Commissioner Seebeck was recused from 7:31-7:33.

**MOTION:** Upon a motion made by Commissioner Taylor and a second by Commissioner Shy, the Commission voted eight (8) for and none (0) opposed, to approve the request with conditions that the accessory dwelling may not be leased; no additional electrical service meter allowed and the request be approved by the Historical Preservation Commission. The motion carried unanimously.

**11. CUP-09-34.** Hold a public hearing and consider a request by Matt Chambers for a Conditional Use Permit to allow an accessory dwelling unit at 625 MLK Dr.

Chair Bishop opened the public hearing. Matt Chambers, 160 S. Fredericksburg advised the Commission that he owns 615 and 625 MLK. He said his goal in the process is to build a one story house up front on the corner of Jackman and MLK and that the accessory dwelling unit will be approximately 625 square feet. Mr. Chambers has purposed to construct the same at 615 MLK. He explained that he is trying to develop a high density use due to the size of the property. There were not additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Bryan and a second by Commissioner Seebeck, the Commission voted eight (8) for and none (0) opposed, to approve the request as submitted. The motion carried unanimously.

Commissioner Shy was recused from 7:41-7:43.

**12. CUP-09-35.** Hold a public hearing and consider a request by Matt Chambers for a Conditional Use Permit to allow an accessory dwelling unit at 615 MLK Drive.

Chair Bishop opened the public hearing. Matt Chambers stated that the request for 625 MLK would be the same for 615 MLK. There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Stark and a second by Commissioner Shy, the Commission voted eight (8) for and none (0) opposed, to approve the request. The motion carried unanimously.

**13.** Discussion and consideration of the Adult Oriented Business Ordinance.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Thomason, the Commission voted eight (8) for and none (0) opposed, to recommend to City Council to extend the moratorium for an additional two months. The motion carried unanimously.

**14, Discussion Items.**

Commissioner Bishop inquired about an alternative for notification of the 3-minute timer. It was determined that Francis Serna would announce when the 3 minutes are up.

**Planning Report**

Matthew Lewis reported that he met with the Legal Department and was advised that a condition is not allowed to be placed on a Planned Development District (PDD).

Matthew Lewis stated that the World Town Planning Day Open House had a successful turnout.

**Commissioners' Report**

Commissioner Stark inquired if a Planning Commission meeting will be held on Tuesday, November 24, 2009, week of Thanksgiving. Matthew Lewis stated that staff will review cases and notify the Commission if a meeting was necessary.

Commissioner Bryan was recused from 8:12- 8:16 p.m.

**15. Consider approval of the minutes from the Regular Meeting of October 27, 2009.**

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Thomason, the Commission voted six (6) for, zero (0) opposed, (1) abstained, to approve the Regular Meeting Minutes of October 27, 2009 with corrections. The motion carried. Commissioner Bryan was not available for the vote.


**16. Questions and answers from the Press and Public.**

There were no comments from the press and public.


**17. Adjournment**

Chair Bishop adjourned the Planning and Zoning Commission at 8:16 p.m. on Tuesday, November 10, 2009.

  
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Sherwood Bishop, Chair

  
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Jim Stark, Commissioner


  
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Curtis Seebeck, Commissioner

  
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Bill Taylor, Commissioner

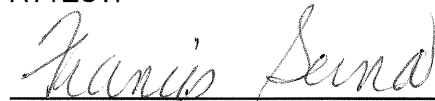
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Ryan Thomason, Vice-Chair

  
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Allen Shy, Commissioner

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Bill DeSoto, Commissioner

  
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Randy Bryan, Commissioner

ATTEST:

  
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Francis Serna, Recording Secretary

